

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)	)	
_____	)	CASE NO. 98-592
	)	
ALLEGED FAILURE PURSUANT TO	)	
807 KAR 5:041, SECTION 3, TO COMPLY	)	
WITH NATIONAL ELECTRIC SAFETY CODE	)	
("NESC"), 1990 EDITION, SECTION 23,	)	
CLEARANCES, RULE 234 B, 1&2	)	

O R D E R

Louisville Gas and Electric Company ("LG&E") is a Kentucky corporation which engages in the distribution of gas and electricity to the public for compensation for lights, heat, power, and other uses, and is a utility subject to the Commission's jurisdiction. KRS 278.010(3)(a).

KRS 278.280(2) directs that the Commission is to prescribe rules and regulations for the performance of services by utilities. Pursuant to this statutory directive, the Commission promulgated Administrative Regulation 807 KAR 5:041, Section 3, which requires electric utilities to maintain their plant and facilities in accordance with the standards of the National Electric Safety Code ("NESC").

Commission Staff submitted to the Commission a Utility Accident Investigation Report dated August 20, 1998, attached hereto, which alleges that:

1. On May 31, 1998, between 1:00 p.m. and 2:00 p.m., Mitchell Metzinger and Thomas Mattingly, electrical maintenance employees of the city of Louisville, were using a bucket truck to install a counting device to a steel pole serving as a traffic light

pole located at the northeast corner of Preston Highway and Gilmore Lane in Louisville, Kentucky. There were various lines, wires and cables passing at and near the top of the steel traffic pole.

2. Metzinger had maneuvered the bucket to the top of the steel pole structure and was attempting to drop a nylon string down into the hollow steel structure when he contacted an energized conductor. He was wearing no safety equipment other than a hard hat and he sustained second and third degree burns to his left hand and lesser burns to his right arm. Mattingly was near the bucket truck, did not see the accident, and was unable to maneuver the bucket down from various wires. The fire department was summoned to extricate Metzinger.

3. Commission Staff examined the accident scene and, specifically, measured the line clearances at the point of the accident. It was determined by measurement that the C-Phase conductor carrying 7.2 KV was 2 feet – 2 inches from the steel pole structure. NESC, Section 23, Rule 234B, 1&2, set a minimum clearance from phase conductor to structure of 4 feet – 6 inches. NESC standards are applicable to LG&E pursuant to 807 KAR 5:041, Section 3.

The Commission, based upon the facts contained in the Utility Accident Investigation Report, finds sufficient evidence to believe that LG&E has failed to comply with 807 KAR 5:041, Section 3, and NESC, Section 23, Rule 234B, 1&2.

The Commission, on its own motion, HEREBY ORDERS that:

1. LG&E shall submit to the Commission within 20 days of the date of this Order a written response to the allegations contained in the Utility Accident Investigation Report.

2. LG&E shall appear on the 7th day of January, 1999 at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky for the purposes of presenting evidence regarding the alleged violation of Commission Regulation 807 KAR 5:041, Section 3 and NESC, Section 23, Rule 234B, 1&2, and of showing cause, if any, why it should not be subject to the penalties prescribed in KRS 278.990(1) for the alleged violation.

3. The Utility Accident Investigation Report dated August 20, 1998 is hereby made a part of the record herein.

4. Any request for an informal conference with Commission Staff to consider any matter which would expedite the handling or disposition of this proceeding shall be filed with the Commission no later than 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 20th day of November, 1998.

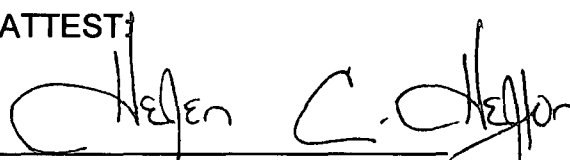
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

**APPENDIX**

**AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 98-592 DATED NOVEMBER 20, 1998.**

August 20, 1998

**UTILITY ACCIDENT  
INVESTIGATION REPORT**

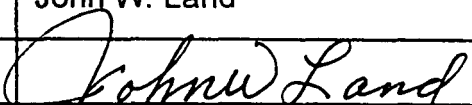
<b>Utility:</b>	Louisville Gas and Electric Company				
<b>Reported By:</b>	Larry Miller				
<b>Dates &amp; Times</b>					
<b>Accident Occurred:</b>	05/31/98 – Between 1:00 p.m. & 2:00 p.m.				
<b>Utility Notified:</b>	05/31/98 – 2:15 p.m.				
<b>PSC Notified:</b>	05/31/98 – 3:08 p.m.				
<b>Investigated:</b>	06/01/98				
<b>Written Report Rcvd:</b>	06/05/98				
<b>Location of Accident:</b>	North east corner of Preston Highway and Gilmore Lane				
<b>Description of Accident:</b>	<p>Mr. Mitchell Metzinger and Mr. Thomas Mattingly, two City of Louisville Electrical Maintenance employees, were in the process of trying to install a low voltage feeder circuit to place a traffic counter. Mr. Mattingly said that Mr. Metzinger was up in the bucket at the top of the traffic light steel pole structure trying to feed a nylon string with a weight on the end of it to pull the new circuit. Mr. Mattingly was over by the bucket truck when he heard Mr. Metzinger call out to him, "Get me down from here." Mr. Mattingly tried to get the bucket down, but was not able to because of all the wires. He had to wait for the Fire Department and LG&amp;E to get there to get him down. It is believed that in the process of trying to feed the string down through the inside of the traffic light pole structure that Mr. Metzinger received a shock from an overhead energized circuit. Mr. Mattingly said they knew the wires were energized. Mr. Metzinger was not wearing any protective equipment; nor was Mr. Mattingly, except a hard hat, at the time of the accident. Mr. Mattingly said they were only required to wear a hard hat. The bucket truck they were using was well marked with warning signs as to the hazards of working near energized lines.</p>				
<b>Victims:</b>					
<b>Name:</b>	Mitchell Metzinger	<b>Fatal:</b>	No	<b>Age:</b>	Unknown
<b>Addr./Empl.:</b>	City of Louisville, Kentucky – employee				

August 20, 1998

<b>Injuries:</b>	Burn on left hand and arm				
<b>Witnesses:</b>	<b>Name</b>		<b>Address/Employment</b>		
	Thomas Mattingly		City of Louisville employee		
<b>Sources of Information:</b>	<b>Name</b>		<b>Address/Employment</b>		
	Thomas Mattingly		City of Louisville employee		
	Larry Miller		Louisville Gas & Electric employee		
	R.W. Hasch		Louisville Gas & Electric employee		
	James Holderman		Louisville Gas & Electric employee		
	David Geoghegan		Louisville Gas & Electric employee		
	Gary Dezarn		Louisville Gas & Electric employee		
	John Land on site investigator		PSC Engineering Staff		
<b>Probable Violations:</b>	National Electric Safety Code (NESC) 1990 Edition, Section 23, Clearances. Rule 234B. 1&2				
<b>Line Clearances At Point of Accident:</b>	<b>Measured</b>	<b>Minimum Allowed by NESC</b>	<b>Applicable NESC Edition<sup>1</sup> 1990</b>	<b>Volt.</b>	<b>Constr. Date</b>
<b>Phase Conductor to Ground Elevation:</b>	AØ - 34' - 8" BØ - 33' - 4" CØ - 32' - 8"	18' - 6" 18' - 6" 18' - 6"	Table 232-1	7.2 KV	Unknown
<b>Neutral Conductor to Ground Elevation:</b>	P/N - 24' - 6"	15' - 6"	Table 232-1	N/A	Unknown
<b>Span Guy to Ground Elevation:</b>	S/G - 26' - 0"	15' - 6"	Table 232-1	N/A	Unknown
<b>Phase Conductor to Structure:</b>	AØ - 7' - 9" BØ - 5' - 0" CØ - 2' - 2"	4' - 6" 4' - 6" 4' - 6"	Section 23, Rule 234 B. 1&2	7.2 KV	Unknown
<b>Date of Measurement:</b>	06/01/98				
<b>Approximate Temp.:</b>	90°F				
<b>Measurements Made</b>	Gary Dezarn, James Holderman, David Geoghegan, R.W. Hasch, Larry				

<sup>1</sup> Current edition adopted by the Commission. If clearances are not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.

August 20, 1998

By:	Miller, LG&E employees and John Land, PSC Engineering Staff
Investigated By:	John W. Land
Signed:	

Attachments A. Louisville Gas & Electric Company's Accident Report  
B. Photographs of Accident Site

## **Attachment A**

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### **Louisville Gas and Electric Company's Accident Report**





June 5, 1998

**Louisville Gas and Electric Company**  
220 West Main Street  
P.O. Box 32010  
Louisville, Kentucky 40232

Ms. Martha Morton  
Kentucky Public Service Commission  
730 Schenkel Lane  
P. O. Box 615  
Frankfort, KY 40602

**RECEIVED**

JUN 08 1998

DIVISION OF UTILITY  
ENGINEERING & SERVICES

**RE: Incident at Preston Highway and Gilmore Lane  
City of Louisville Employee, Mitchell Metzinger**

Dear Ms. Morton:

Attached is an "Investigation Report" on the above incident. This is filed in compliance with the seven-day reporting requirement.

Additional information including pictures and drawings will be provided as soon as they are available.

If you need additional information concerning this report, please let me know. I can be reached at (502) 627-4883.

Very truly yours,

Gregory B. Fergason  
Regulatory Affairs Coordinator

Attachment



**Louisville Gas and Electric Company**  
220 West Main Street  
P.O. Box 32010  
Louisville, Kentucky 40232

## **INVESTIGATION REPORT**

### **ELECTRICAL CONTACT**

Type of Report

**98-E-009**

Report Number

**A L Miller**

Investigator

**May 31, 1998**

Date of Incident

Reference: **Mitchell Metzinger Received an Electrical Shock.**

Location: **Preston Highway and Gilmore Lane  
Louisville, KY 40213**

### **Case Summary:**

On May 31, 1998, at approximately 14:15 hours, I received a call from Electric Service Delivery Department about a City of Louisville Employee getting shocked at Preston Highway and Gilmore Lane.

At 14:46 hours, I arrived on the scene and met with LG&E's employees, Dale Bruce, Trouble Supervisor, Gary Dezarn, Line Technician, and Jeff Rausch, Manager of Risk Management Department arrived a little later. Mr. Thomas Mattingly, City of Louisville Employee was also met with at the scene.

Mr. Mattingly stated Mr. Mitchell Metzinger also a City of Louisville Employee received an electrical shock and had been transported to the University Hospital by the EMS.

Mr. Mattingly stated they were there to install equipment to count the traffic.

Mr. Mattingly stated Mr. Metzinger was up in the bucket of the bucket truck when he received the shock. Mr. Mattingly also stated, Mr. Metzinger had removed the cap off the top of the steel pole and had drop a nylon twine with a bolt tied to the end down inside the pole. He was attempting to get the twine down through a bird nest that was inside the pole at the time he received the shock.

## **Investigation Report**

### **Page 2**

Mr. Mattingly said he did not see Mr. Metzinger get shocked but hear him holler "get me down from here."

Mr. Mattingly said he could not get the bucket down through the lines and waited for the fire department and LG&E to get there to get Mr. Metzinger down. Mr. Metzinger had placed the bucket up between the various cables. The steel pole, with the service drop, traffic control wires and the telephone line on the west side of the bucket and the neutral conductor and span guy on the east side of the bucket.

Mr. Mattingly was asked by someone if they knew the lines were energized and he answered they did. Mr. Mattingly was asked if Mr. Metzinger was wearing protective equipment and he stated he was not wearing gloves and he only had a short sleeve shirt on.

Mr. Mattingly was asked if Mr. Metzinger was conscious all the time and Mr. Mattingly stated he was. He also stated Mr. Metzinger said he did not know what happened.

Photographs were taken at the scene.

Mr. John Land with the Public Service Commission was notified by telephone at 15:08 hours. A message was left on his answering machine and he called back and set up appointment for Monday June 1, 1998, at 9:30 hours to meet at the scene.

It was reported Mr. Metzinger was left handed and he received second and third degree burns to the palm of the left hand. It was also reported the hair was burned off the right arm and it was red all over. Mr. Metzinger was released from the hospital on Monday June 1, 1998.



**Louisville Gas and Electric Company**  
220 West Main Street  
P.O. Box 32010  
Louisville, Kentucky 40232

June 26, 1998

Ms. Martha Morton  
Kentucky Public Service Commission  
730 Schenkel Lane  
P. O. Box 615  
Frankfort, KY 40602

**RE: Electric Shock Incident, Preston Highway and Gilmore Lane,  
Louisville, KY 40207**

Dear Ms. Morton:

Attached is additional information regarding the above incident that was requested by your office.

If you need additional information concerning this report, please let me know. I can be reached at (502) 627-4883.

Very truly yours,

A handwritten signature in cursive script that reads "Gregory B. Ferguson".

Gregory B. Ferguson  
Regulatory Affairs Coordinator

Attachment



Louisville Gas and Electric Company  
220 West Main Street  
P.O. Box 32010  
Louisville, Kentucky 40232

## **INVESTIGATION REPORT**

### **ELECTRICAL CONTACT**

Type of Report

**98-E-009**

Report Number

**A L Miller**

Investigator

**May 31, 1998**

Date of Incident

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## Investigation Report

Page 2

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# EDGEWOOD FIRE PROTECTION DIST.

1127 Orchard Ave. Louisville, Kentucky 40213  
Station: (502)-964-6011 Fax: (502)-969-1382

## Fax Cover Sheet

To: LARRY From: Troy Kell

Pages including cover: 2

Subject: Run to Preston & Gilmore Ln  
ON 5/31/98

06/04/98

08:52

502 969 1382

EDGEWOOD FIRE DEPT

002

FORM NO.	INCIDENT NO.	EXP. NO.	MO.	DAY	YEAR	DAY OF WEEK	ALARM TIME	ARRIVAL TIME	TIME IN SERVICE					
516283918-1144	053198					1. Sunday 2. Monday 3. Tuesday	1353	1354	11448					
TYPE OF SITUATION FOUND			TYPE OF ACTION TAKEN			MUTUAL AID								
<input type="checkbox"/> 1. Structure fire <input type="checkbox"/> 11. Outside of structure fire <input type="checkbox"/> 12. Vehicle fire <input type="checkbox"/> 14. Tree, brush, grass fire <input type="checkbox"/> 15. Refuse fire			<input type="checkbox"/> 41. Soft lock with no ignition <input type="checkbox"/> 47. Chemical emergency <input type="checkbox"/> 73. System malfunction OTHER 39			<input type="checkbox"/> 1. Extinguishment <input checked="" type="checkbox"/> 2. Rescue only <input type="checkbox"/> 3. Investigation only <input type="checkbox"/> 4. Remove hazard <input type="checkbox"/> 5. Standby			<input type="checkbox"/> 6. Salvage <input type="checkbox"/> 7. Ambulance Service <input type="checkbox"/> 8. Fill in, move up, transfer <input type="checkbox"/> 9. Type of action taken not classified above <input type="checkbox"/> 0. Type of action taken undetermined reported			<input checked="" type="checkbox"/> 1. Rec'd <input type="checkbox"/> 2. Open <input type="checkbox"/> 3. N/A		
FIXED PROPERTY USE						IGNITION FACTOR								
CORRECT ADDRESS						ZIP CODE			CENSUS TRACT					
OCCUPANT NAME (LAST, FIRST, MI)						TELEPHONE			ROOM OR APT.					
OWNER/LEASER (LAST, FIRST, MI)						ADDRESS			TELEPHONE					
METHOD OF ALARM FROM PUBLIC						DISTRICT			SHIFT					
<input type="checkbox"/> 1. Telephone direct <input type="checkbox"/> 2. Coded signal municipal <input type="checkbox"/> 3. Private fire alarm						<input type="checkbox"/> 4. Radio <input type="checkbox"/> 5. Direct report (walkie) <input type="checkbox"/> 6. No alarm received <input type="checkbox"/> 7. Telephone log line to P.D.			<input type="checkbox"/> 8. Voice signal municipal <input type="checkbox"/> 9. Not classified <input type="checkbox"/> 0. Undetermined reported					
NUMBER FIRE SERVICE PERSONNEL RESPONDED		NUMBER ENGINES RESPONDED		NUMBER AERIAL APPARATUS RESPONDED		NUMBER OTHER VEHICLES RESPONDED								
1018		1003		1000		1003								

COMPLETE FOR ALL INCIDENTS

NUMBER OF INJURIES		NUMBER OF FATALITIES	
FIRE SERVICE	OTHER	FIRE SERVICE	OTHER
	001		

COMPLETE # CASUALTY

COMPLEX		MOBILE PROPERTY TYPE	
AREA OF FIRE ORIGIN		EQUIPMENT INVOLVED IN IGNITION	
FORM OF HEAT OF IGNITION		TYPE OF MATERIAL IGNITED	
METHOD OF EXTINGUISHMENT		LEVEL OF FIRE ORIGIN	
<input type="checkbox"/> 1. Self-extinguished <input type="checkbox"/> 2. Man-made aids <input type="checkbox"/> 3. Portable extinguisher <input type="checkbox"/> 4. Automatic <input type="checkbox"/> 5. Preconnected hose/water carried in apparatus tanks <input type="checkbox"/> 6. Preconnected hose/water from hydrant, draft, standpipe		<input type="checkbox"/> 7. Hand-tied hose <input type="checkbox"/> 8. Master stream devices <input type="checkbox"/> 9. Control not classified <input type="checkbox"/> 0. Undetermined reported	
EXTENT OF FLAME DAMAGE		EXTENT OF SMOKE DAMAGE	
<input type="checkbox"/> 1. Object of origin <input type="checkbox"/> 2. Part of room/area of origin <input type="checkbox"/> 3. Room of origin <input type="checkbox"/> 4. Full-room compartment		<input type="checkbox"/> 5. Floor of origin <input type="checkbox"/> 6. Structure <input type="checkbox"/> 7. Beyond structure of origin <input type="checkbox"/> 0. Undetermined reported	
DETECTOR PERFORMANCE		SPRINKLER PERFORMANCE	
<input type="checkbox"/> 1. In room or space/operated <input type="checkbox"/> 2. Not in room or space/operated <input type="checkbox"/> 3. In room or space/not operated		<input type="checkbox"/> 4. Not in room or space/not operated <input type="checkbox"/> 5. In room or space/after too small <input type="checkbox"/> 6. No detectors present <input type="checkbox"/> 9. Not classified <input type="checkbox"/> 0. Undetermined reported	
IF SMOKE SPREAD BEYOND ROOM OF ORIGIN		TYPE OF MATERIAL GENERATING MOST SMOKE	
		FORM OF MATERIAL GENERATING MOST SMOKE	

COMPLETE FOR ALL FIRES

NUMBER OF STORIES		CONSTRUCTION TYPE	
<input type="checkbox"/> 1. 1 story <input type="checkbox"/> 2. 2 stories <input type="checkbox"/> 3. 3 to 4 stories		<input type="checkbox"/> 4. Unprotected noncombustible <input type="checkbox"/> 5. Protected ordinary <input type="checkbox"/> 6. Unprotected ordinary <input type="checkbox"/> 7. Protected wood frame	
EXTENT OF FLAME DAMAGE		EXTENT OF SMOKE DAMAGE	
<input type="checkbox"/> 1. Object of origin <input type="checkbox"/> 2. Part of room/area of origin <input type="checkbox"/> 3. Room of origin <input type="checkbox"/> 4. Full-room compartment		<input type="checkbox"/> 5. Floor of origin <input type="checkbox"/> 6. Structure <input type="checkbox"/> 7. Beyond structure of origin <input type="checkbox"/> 8. No damage <input type="checkbox"/> 0. Undetermined reported	
DETECTOR PERFORMANCE		SPRINKLER PERFORMANCE	
<input type="checkbox"/> 1. In room or space/operated <input type="checkbox"/> 2. Not in room or space/operated <input type="checkbox"/> 3. In room or space/not operated		<input type="checkbox"/> 4. Equipment operated <input type="checkbox"/> 5. Equipment should operate/aid not <input type="checkbox"/> 6. Equipment present/size too small	
IF SMOKE SPREAD BEYOND ROOM OF ORIGIN		TYPE OF MATERIAL GENERATING MOST SMOKE	
		FORM OF MATERIAL GENERATING MOST SMOKE	

COMPLETE # STRUCTURE FIRE

IF MOBILE PROPERTY	YEAR	MAKE	MODEL	SERIAL NO.	LICENSE NO.
IF EQUIPMENT INVOLVED IN IGNITION	YEAR	MAKE	MODEL	SERIAL NO.	

CHECK IF COMMENTS ON REVERSE SIDE

OFFICER IN CHARGE (NAME, POSITION, ASSIGNMENT)

D. Allen

DATE

05/31/98

MEMBER MAKING REPORT IF DIFFERENT FROM ABOVE

Sgt. E. Boswell

DATE

06/01/98

REMARKS:



JUN 4, 1958 10:39AM P.2

[illegible]

FROM: KONICA FAX

TO: 1 502 627 2550

JUN 4, 1998 10:39AM P.07

5001  
BLUEGRASS BEDDING  
FACTORY OUTLET

LYNNVIEW INC. (94)

DETAIL

795 S.C.

336 AA

5005  
NETWORK RENTAL

3 37  
MNR 187  
MNR 188  
MNR 189  
MET.

5061  
SHELL SERVICE STATION

TRAFFIC MET.

GILMORE

COUNTRY BOY WATER BEDS  
6 / AUTO PARTS  
5073

3 100  
MNR 7602  
MNR 7603  
MNR 7604

1243  
STRIPES HAMBURGERS

795 S.C.  
336 AA

CRAFTY

1204  
CONVENIENT FOOD MART

5101  
WENDY'S HAMBURGERS

5103  
PROFESSIONAL BLDG.

5107  
SECURITY  
PACIFIC FINANCE

5109  
FOURTH ST.  
AUTOSALES

5102  
SOUTHWIND

AVE.

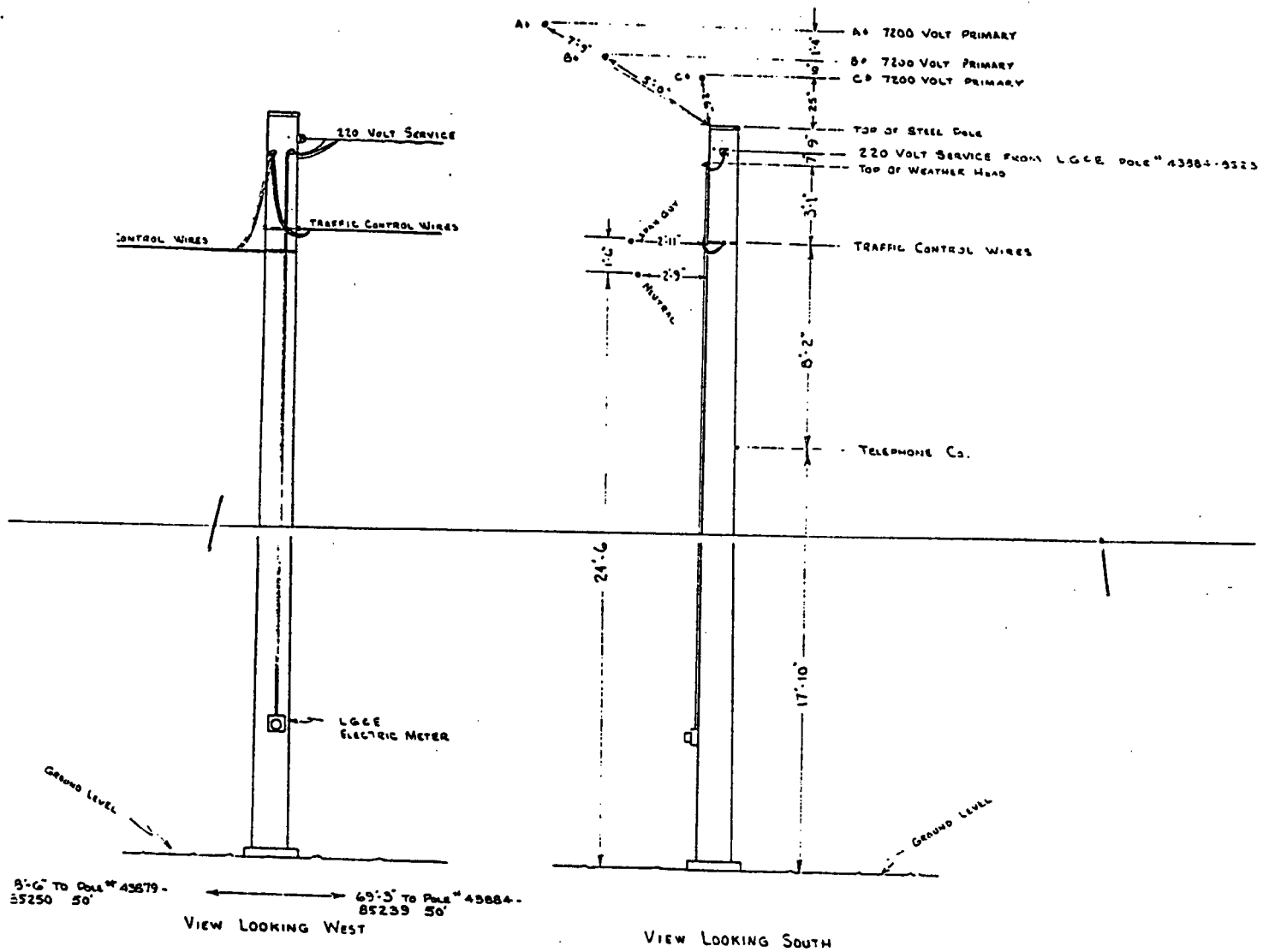
NORTON

15 HWY.

5102  
SUBURBAN  
AUTO MART

JUN 4, 1998 10:40AM P.08

Data Entry Stats: By \*\*\* Date 30-SEP-1986 09:27:26.20 Safety  
 Press RETURN for Next Pole or Control-Z for another search



# LOUISVILLE GAS AND ELECTRIC

SKETCH SHOWING WEST VIEW  
 SOUTH VIEW OF STEEL TRAFFIC  
 CONTROL POLE NORTH/WEST  
 PRESTON HWY AND GILMORE  
 WHERE ACCIDENT OCCURRED  
 MITCHELL METZINGER 2-2  
 NO SCALE DRAWN BY G.W.

## **Attachment B**

### **Photographs of Accident Site**

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